

1 BILL NO. S-86-08-07

2 SPECIAL ORDINANCE NO. S-Withdraw

3 AN ORDINANCE of the Common Council  
4 of the City of Fort Wayne, Indiana,  
5 approving the transfer and disposi-  
6 tion of real estate owned by the  
7 City.

8 WITNESSETH:

9 WHEREAS, the Board of Public Works and Safety ("Board")  
10 has advertised its intentions to sell real estate located near  
11 the west bank of the St. Joseph River in what was previously  
12 referred to as Robison Park. Such real estate is described on  
13 the attached Exhibit A, made a part hereof;

14 WHEREAS, a public hearing has been held and a bid has  
15 been received from Patrick Bruggeman for Twenty-Five Thousand  
16 and No/100 Dollars (\$25,000.00);

17 WHEREAS, the Board has determined that the highest  
18 and best bid is that of Patrick Bruggeman and, indeed, that was  
19 the only bid received in a timely fashion;

20 WHEREAS, the Board has awarded and agreed to sell such  
21 real estate to said Patrick Bruggeman;

22 WHEREAS, the sale of the real estate will facilitate  
23 residential development within the corporate City limits so as  
24 to increase the City's tax base and to otherwise benefit the  
25 residents of this City;

26 WHEREAS, the transfer of the real estate by the City,  
27 shall be subject to certain conditions as herein indicated;

28 WHEREAS, the City and the proposed Purchaser have worked  
29 together with the Rivergreenway Consortium and the Fort Wayne  
30 Parks and Recreation Department, so as to provide dedicated property  
31 back to the Fort Wayne Parks and Recreation Department, such  
32 as construction of a bike path;

33 WHEREAS, agreements and covenants have been reached  
34 as to the proposed use of the real estate; and

1           Page Two

2           WHEREAS, State law requires Council approval before  
3       such real estate shall be transferred.

4           NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
5       OF THE CITY OF FORT WAYNE, INDIANA:

6           SECTION 1. Council approval is hereby given for the  
7       City to transfer the real estate as herein described (Exhibit  
8       A), to Patrick Bruggeman, for the cash purchase price of Twenty-  
9       Five Thousand and No/100 Dollars (\$25,000.00) and the Mayor and  
10      members of the Board are hereby empowered and authorized to execute  
11      all documents associated with same so that such transfer can  
12      be accomplished.

13          SECTION 2. Such transfer shall provide for and shall  
14      be subject to the following benefits and protections for the  
15      City of Fort Wayne and its citizens:

16           A. That the Developer, following acceptance  
17           of legal title to the City of Fort  
18           Wayne's real estate, will in a timely  
19           fashion have prepared a legal descrip-  
20           tion of an approximate 100 ft. parcel  
21           of land, within this acquired tract,  
22           and along the western edge of the  
23           St. Joseph River, excepting any portion  
24           within Section I of the Robison Park  
25           Subdivision and as more fully described  
26           in "Attachment A" hereto. Further,  
27           the Developer will deed this newly  
28           defined parcel to the Parks Department  
29           along with mutually agreeable and  
30           appropriate restrictions and covenants  
31           that it be used only for purposes  
32           setforth in the Rivergreenway Plan.

1           Page Three

2           B. That the Developer will construct  
3           a bicycle path on portions of this  
4           100 ft. parcel and on an easement,  
5           which it will grant to the Parks  
6           Department, and which is more fully  
7           described in "Attachment B". Said  
8           bicycle part to be constructed as  
9           the respective sections of Robison  
10          Park are developed.

11          C. That the Developer will obtain all  
12          necessary zoning and land permits  
13          and approvals;

14          D. Developer shall stabilize the river  
15          bank to prevent erosion;

16          E. That the Developer agrees to indemnify  
17          and hold harmless the City regarding  
18          the development of river front lots;

19          F. Developer agrees that no structures  
20          will be located in the flood plain;

21          G. The transfer shall be subject to  
22          all existing easements and additional  
23          easements, as required;

24          H. Developer agrees to provide for a  
25          30 foot building setback line from  
26          the centerline of the sewer easement  
27          for river front lots;

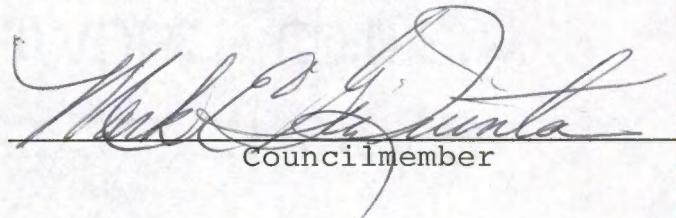
28          I. The Developer shall meet all other  
29          requirements as mandated by all other  
30          government entities, commissions  
31          and departments; and

32

1           Page Four

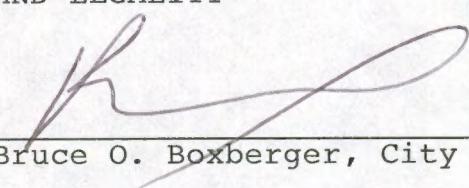
2           J. The Developer agrees that in the  
3           event that construction is not com-  
4           menced in the development within  
5           two (2) years from the date of transfer,  
6           that all property, as herein conveyed  
7           by the City, shall revert to the  
8           City.

9           SECTION 3. That this Ordinance shall be in full force  
10          and effect from and after its passage, and any and all necessary  
11          approval by the Mayor.



Melinda P. Junia  
Councilmember

14          APPROVED AS TO FORM  
15          AND LEGALITY

16            
17          Bruce O. Boxberger, City Attorney

29  
30  
31  
32

EXHIBIT "A"

Tract "A" being a marginal strip of land along the west bank of the St. Joseph River in Robison Park.

Beginning at the northeast corner of Bequettes Land as located in the first division of the Richardville Reservation in township 31 north, range 13 east; thence west along said north line of said Bequettes Land to a point 114.9 feet east of the west right-of-way line of the Indiana Service Corporation; thence by deflection angle to the right 115 degrees and 47 minutes a distance of 587.19 feet; thence by deflection angle to the right 28 degrees, 10 minutes and 30 seconds a distance of 524.69 feet; thence by deflection angle to the right of 89 degrees 20 minutes and 30 seconds a distance of 460 feet; thence by deflection angle to the left 39 degrees, 15 minutes a distance of 455 feet; thence by deflection angle to the right of 89 degrees, 20 minutes and 30 seconds a distance of 278 feet; thence by deflection angle to the left of 69 degrees, 52 minutes and 42 seconds a distance of 395.24 feet; thence by deflection angle to the left of 24 degrees, 37 minutes and 18 seconds a distance of 256.65 feet; thence by deflection angle to the left 27 degrees 37 minutes and 25 seconds a distance of 223.78 feet; thence by deflection angle to the left 24 degrees 4 minutes 55 seconds a distance of 351.15 feet; thence by deflection angle to the left 46 degrees, 51 minutes and 42 seconds a distance of 232.12 feet; thence by deflection angle to the left 33 degrees, 18 minutes and 28 seconds a distance of 173.45 feet; thence by deflection angle to the left 14 degrees and 44 minutes a distance of 339.4 feet; thence by deflection angle to the left 55 degrees and 11 minutes a distance of 385.9 feet; thence by deflection angle to the right 52 degrees a distance of 619.05 feet; thence by deflection angle to the right 10 degrees, 10 minutes and 30 seconds a distance of 337.86 feet; thence by deflection angle to the right 6 degrees, 11 minutes and 50 seconds a distance of 1031.39 feet; thence by deflection angle to the right 7 degrees 39 minutes and 40 seconds a distance of 493.3 feet to a point which is 20 feet east of the center line of the High Tension Tower Line as now established; thence by deflection angle to the right 26 degrees and 24 minutes, a distance of 270.81 feet parallel to said tower line; thence by deflection angle to the left 80 degrees a distance of 414.43 feet; thence by deflection angle to the right 91 degrees and 9 minutes a distance of 402.53 feet; thence by deflection angle to the right 65 degrees and 37 minutes a distance of 394.29 feet to a point which is 20 feet east of the center line of the said High Tension Tower Line; thence by deflection angle to the left 45 degrees, 37 minutes and 30 seconds a distance of 351.14 feet parallel to said tower line; thence by deflection angle to the left 76 degrees a distance of 643.58 feet; thence by deflection angle to the right 36 degrees a distance of 260 feet; thence by deflection angle to the right 70 degrees, 51 minutes and 30 seconds a distance of 250.8 feet; thence by deflection angle to the right 36 degrees 5 minutes and 30 seconds a distance of 236.27 feet; thence by deflection angle to the right 26 degrees and 33 minutes a distance of 597.74 feet to a point which is 80 feet northwesterly of the center line of said tower line; thence by deflection angle to the left 109 degrees, 11 minutes and 53 seconds a distance of 442.32 feet; thence by deflection angle to the right 73 degrees 37 minutes and 53 seconds a distance of 482.28 feet; to a point which is 20 feet west of the center line of the west Tower Line as now established; thence by deflection angle to the right 87 degrees and 20 minutes a distance of 451.51 feet parallel to said tower line; thence by deflection angle to the

left 88 degrees 21 minutes and 30 seconds a distance of 484.61 feet to a point in the east line of the Indiana Service Corporation property; thence by deflection angle to the right 38 degrees and 32 minutes a distance of 700 feet along the east line of the Indiana Service Corporation property; thence by deflection angle to the right 90 degrees 1 minute and 30 seconds a distance of 400 feet along said east line to a stone corner; thence on said line produced to the thread of the St. Joseph River; thence along the meanderings of said thread of the St. Joseph River in a southwesterly direction to the place of beginning containing 75 acres, more or less.

Tract "E" being a roadway from land conveyed in Tract "A" hereof to the east line of section 7, township 31 north range 13 east more particularly described as follows, to-wit:

Beginning at the point in the east line of section 7, township 31 north range 13 east 933.4 feet north of the north line of Richardville Reservation; thence north along the east line of said section 7 a distance of 50.3 feet; thence by deflection angle to the right 96 degrees, 13 minutes and 30 seconds a distance of 1123.7 feet; thence by deflection angle to the right 49 degrees, 48 minutes and 50 seconds a distance of 65.45 feet; thence by deflection angle to the right 130 degrees 11 minutes and 10 seconds a distance of 1161.49 feet to the place of beginning.

Read the first time in full and on motion by D. Quinta, seconded by S. Kennedy, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.

DATE: 8-12-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	—	—	—	—	—
<u>BRADBURY</u>	—	—	—	—	—
<u>BURNS</u>	—	—	—	—	—
<u>EISBART</u>	—	—	—	—	—
<u>GiaQUINTA</u>	—	—	—	—	—
<u>HENRY</u>	—	—	—	—	—
<u>REDD</u>	—	—	—	—	—
<u>SCHMIDT</u>	—	—	—	—	—
<u>STIER</u>	—	—	—	—	—
<u>TALARICO</u>	—	—	—	—	—

DATE: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.T.

WIN MOSES, JR., MAYOR

PATRICK J. BRUGGEMAN  
P. O. BOX 11529  
FORT WAYNE, INDIANA 46859

September 2, 1986

Board of Public Works & Safety  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Gentlemen and Ms. Simon:

I hereby request that my bid for "Tract A", being a marginal strip of land along the west bank of the St. Joe River" and "Tract E", being a roadway" as advertised on 6/02/86 for sale by the Board of Public Works, be withdrawn and the consideration, therefore, be returned to me.

As the days and years go by and more homes depart the city, and more city teachers are laid off and the tax base shrinks to where we cannot pay the few left what they deserve, Councilman Bradbury may have a change of heart and treat whatever developer I can find willing to venture into the City with as much consideration as publicity stunters from the County.

Very truly yours,

  
Patrick J. Bruggeman

PJB:jal

PATRICK J. BRUGGEMAN  
P. O. BOX 11529  
FORT WAYNE, INDIANA 46859

September 2, 1986

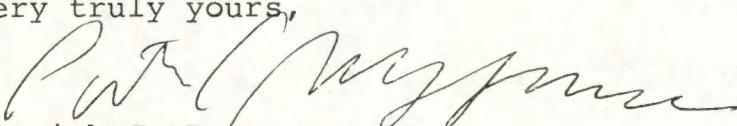
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Very truly yours,

  
Patrick J. Bruggeman

PJB:jal

BILL NO. S-86-08-07

*Held Sept-2*

REPORT OF THE COMMITTEE ON

(COMMITTEE OF THE WHOLE)  
PUBLIC RELATIONS

WE, YOUR COMMITTEE ON \_\_\_\_\_ (COMMITTEE OF THE WHOLE)  
PUBLIC RELATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (RESOLUTION) of the Common Council of the  
Cit- of Fort Wayne, Indiana, approving the transfer and disposition of  
real estate owned by the City

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(RESOLUTION) withdrawn

YES

NO

J. Stier  
JAMES S. STIER  
CHAIRMAN  
Janet G. Bradbury  
JANET G. BRADBURY  
VICE CHAIRWOMAN

B. Eisbart  
BEN A. EISBART

C. Redd  
CHARLES B. REDD

D. Schmidt  
DONALD J. SCHMIDT

T. Henry  
THOMAS C. HENRY

M. Quinta  
MARK E. GIAQUINTA

P. Burns  
PAUL M. BURNS

S. Talarico  
SAMUEL J. TALARICO

CONCURRED IN 9-9-86

SANDRA E. KENNEDY  
CITY CLERK